

**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
FOREST ROAD 402/OZARK ROAD IMPROVEMENT PROJECT**

USDA Forest Service Shawnee National Forest  
Pope County at R5E T11S

**Decision and Reasons for the Decision**

**Background**

Pope County received funding to upgrade the Ozark Road (from Appel Road to the Water Tower Road) from a gravel surface to chip-seal. A portion of this road (FR402 from Appel Road to the Burden Falls Road, about 1.7 miles) is under Forest Service jurisdiction. Pope County has requested a road maintenance agreement to permit accomplishment of this road improvement work. The improvement would accommodate the public traffic, increase safety and to reduce future maintenance costs. FR402/ Ozark Road is one of the most highly used roads on the Forest.

Work under the agreement would include replacement of eight culvert pipes, clearing, brushing and adding gravel, with disturbance limited to the existing road corridor. The road would be upgraded to an oil and chip surface. The environmental assessment disclosed the potential direct, indirect and cumulative effects resulting from the FR402/Ozark Road Improvement Project and a no-action alternative.

**Decision**

Based upon my review of the alternatives, I have decided to implement the proposed action. This will allow approval of the road maintenance agreement with Pope County and permit accomplishment of the road improvement work.

**Other Alternatives Considered**

In addition to the selected alternative, I considered a no-action alternative, which, although viable, would not meet the purpose and need for the project.

**Public Involvement**

This proposal was provided to the public and other agencies for scoping and comment in the environmental assessment, published on May 19, 2012. Three written comments on the project were received by mail and email.

**Finding of No Significant Impact**

After considering the environmental effects described in the environmental assessment, I have determined that the project actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety.

3. There will be no significant effects on unique characteristics of the area, because effects of the actions are limited or confined to the existing road prism.
4. Based on the involvement of Forest resource specialists, other agencies and the public, I do not expect the effects of this action on the quality of the human environment to be highly controversial. There is no known scientific controversy over the impacts of the proposed project.
5. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
6. This action is not likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.
7. There are no known significant cumulative effects resulting from this project and other past, present, or reasonably foreseeable projects in the project area or adjacent areas. This finding is based on the cumulative effects analyses in the environmental assessment.
8. There are no known significant effects on heritage resources. The decision is in compliance with the National Historic Preservation Act. The action will have no adverse effects on districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.
9. The biological evaluations determined that no current or proposed federally listed threatened or endangered species or critical habitat (as defined in the Endangered Species Act) is likely to be adversely affected by this action.
10. The action will not violate federal, state or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the environmental assessment. The action is consistent with the 2006 Forest Plan.
11. Road improvement and maintenance will not result in any known significant irreversible resource commitments or a significant irreversible loss of timber production, soil productivity, water quality, wildlife habitats, or recreational opportunities.

### **Findings Required by Other Laws and Regulations**

I find that the actions of this decision comply with the requirements of the National Forest Management Act of 1976. I have reviewed the 2006 Forest Plan and determined that this decision is consistent with the Plan's goals and objectives and complies fully with Plan management direction for the Mature Hardwood management prescription and the Forest-wide standards and guidelines. I have also reviewed Chapter 3, Affected Environment and Environmental Effects, of the Final Environmental Impact Statement (FEIS) for the 2006 Shawnee National Forest Land and Resource Management Plan and conclude that the environmental effects associated with this project are consistent with those described in the FEIS.

### **Implementation Date**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

### **Administrative Review or Appeal Opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215.11. Written appeals, including attachments, must be filed within 45 days from the publication date of the legal notice of this decision in the *Southern Illinoisan*, the Forest's newspaper of record. Attachments

received after the 45-day appeal period will not be considered. The publication date of this notice in the *Southern Illinoisan* is the exclusive means for calculating the time to file an appeal. The day after the publication of the legal notice of the decision is the first day of the appeal-filing period. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Appeals may be submitted by mail to:

USDA Forest Service, Eastern Region  
ATTN: Appeals Deciding Officer Hurston A. Nicholas  
626 E. Wisconsin Ave.  
Gaslight Building, Suite 700  
Milwaukee, WI 53202-4616

Appeals submitted by electronic mail must be submitted in a format such as plain text (.txt), rich text (.rtf), or Word (.doc) to: [appeals-eastern-shawnee@fs.fed.us](mailto:appeals-eastern-shawnee@fs.fed.us), subject: Shawnee Ozark Road. Appeals may be sent by fax to: (414) 944-3963, Attn: Appeal Deciding Officer Hurston A. Nicholas, subject: Shawnee Ozark Road. Normal office business hours for those submitting hand-delivered appeals are 7:30 am-4:00 pm CDT, Monday through Friday.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

### Contact

For additional information concerning this decision or the Forest Service appeal process, contact Matthew Lechner, Natural Resources Program Manager, Shawnee National Forest, 50 Highway 145 South, Harrisburg, IL 62946; phone (618) 253-1016; email [mlechner@fs.fed.us](mailto:mlechner@fs.fed.us).

/s/ Tim Pohlman

June 25, 2012

Date: \_\_\_\_\_

**TIM POHLMAN**  
District Ranger

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